

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-1595

PATRICIA LEE GREENWAY,

Plaintiff - Appellant,

versus

ORIGEN FINANCIAL INC, d/b/a Dynex Financial
Inc; JEFFREY L. SILVER; IVAN J. TONEY; THE
HOUSING BOARD; U.S. DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT; IVAN SOUTHERLAND; MIKE
ANDERSON; PHILLIP D. MAYNARD; SUPREME COURT OF
SOUTH CAROLINA, Disciplinary Course,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Greenville. Margaret B. Seymour, District Judge.
(CA-02-1617)

Submitted: July 24, 2003

Decided: July 29, 2003

Before MICHAEL and MOTZ, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Patricia Lee Greenway, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Patricia Lee Greenway appeals from the district court's order accepting the recommendation of the magistrate judge and dismissing her complaint without prejudice. The district court's dismissal without prejudice is not appealable. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). A dismissal without prejudice is a final order only if "no amendment [in the complaint] could cure the defects in the plaintiff's case.'" Id. at 1067 (quoting Coniston Corp. v. Village of Hoffman Estates, 844 F.2d 461, 463 (7th Cir. 1988)). In ascertaining whether a dismissal without prejudice is reviewable in this court, the court must determine "whether the plaintiff could save [her] action by merely amending [her] complaint." Domino Sugar, 10 F.3d at 1066-67. In this case, Greenway may move in the district court to reopen her case and to file an amended complaint specifically alleging facts sufficient to state a claim within the district court's jurisdiction. See 28 U.S.C. § 1332 (2000). Therefore, the dismissal order is not appealable. Accordingly, we dismiss the appeal for lack of jurisdiction. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED